

### **REMARKS**

This amendment is in response to the first Office Action (Paper No. 20070201) mailed on March 19, 2007. Claims 54, 56, 58, 59, and 61 are amended. Claims 65-70 are canceled without disclaiming its subject matter. Claims 71-76 are newly added.

Reexamination and reconsideration are respectfully requested.

### **Objection to the Specification**

Applicant amends Abstract in conformity with the Examiner's request. Applicant confirms that the abstract is within the range of 50 to 150 words.

### **Objection to Drawings**

The Examiner states that the drawings are objected to because FIG. 3 would be more easily understood if instead of using 4A, 4B, etc. the Applicant used a descriptive title in the boxes.

Applicant, however, finds that the drawing amendment, as suggested by the Examiner, would require a large amount of change in the specification, and may cause an issue of new matter. For instance, the section of BRIEF DESCRIPTION OF THE DRAWINGS would require more detailed descriptions for each of FIGS. 4A through 4S, based on the descriptive titles of the blocks of FIG. 3, because each block presented in FIG. 3 refers to each of FIGS. 4A through 4S. Descriptions about the descriptive title of each block shown in FIG. 3 needs to be added in an appropriate paragraph in

the section of DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT, which may cause a large amount of amendment in the specification. Most of all, the new description may raise an issue of new matter, because some of the descriptive titles would be newly added in the amended specification.

Depending on the point of view, the present titles of blocks of FIG. 3 could be easily understood because of the similarity between the titles of blocks and the reference numbers of FIGS. 4A to 4S. Considering the above mentioned difficulties, the Examiner is respectfully requested to withdraw the objection to the drawings.

#### **Status of Claims**

Claims 54-70 are pending.

Claims 54-70 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctively claim the subject matter which Applicant regards as the invention.

Claims 54-58, 61, 66, 67 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 4, 9, 17, 21, 40, 41 of U.S. Patent NO. 6,820,616.

Claims 59, 60, 62-65, and 68-70 are rejected under 35 U.S.C. §101 as claiming the same invention as that of claim 19, 20, 23, 24, 28, 32 and 51-53 to prior U.S. Patent No. 6,820,616.

#### **Rejection of claims 54 and 59 under 35 U.S.C. §112, second paragraph**

Claims 54 and 59 are rejected under 35 U.S.C. §112, second paragraph. Applicant traverses the Examiner's rejection for the following reasons.

Regarding the rejection of claims 54 and 59, the Examiner states that:

“Claims 54 and 59 establishes that the device is a tester for aircrew systems, but none of the elements provides a comparative checking system to validate the functionality of the aircrew system.”

Applicant submits that Applicant's claim 54 recites “a gas system,” and claim 59 recites “an apparatus for testing aircrew systems.” The gas system and the apparatus for testing aircrew systems don't have to be interpreted as “a tester.”

Claim 54 presents a first flow sensor, a second flow sensor, a first pressure sensor, and a second pressure sensor. The first and the second flow sensors detect air flow and leakage of the aircrew system. The first and second pressure sensors detect pressure of the first system and the second system, respectively. The first and second flow sensors are the “checking system” to check the air flow and the leakage of the aircrew system. Therefore, the functionality of the aircrew system is determined by the first or the second flow sensor.

Therefore, Applicant submits that claims 54 and 59 particularly point out and distinctively claim the subject matter which Applicant regards as the invention. If the Examiner believes another element is necessary for the checking system, the Examiner is respectfully requested to specifically point out the element, based on the disclosure of the present application.

Withdrawal of the rejection is respectfully requested.

**Regarding the rejection of claims 56, and 58 under 35 U.S.C. §112, second paragraph**

Claim 56 is amended to introduce a G-suit included in the second system.

Claim 58 is amended to point out that the speed control printed circuit board controls voltage to control the speed of the blower that is recited in claim 54.

**Regarding claim 54 on the ground of nonstatutory obviousness-type double patenting**

Claim 54 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent NO. 6,820,616 (the '616 patent).

Applicant amends claim 54 to include a regulator enable valve, which is referred to as an element 109 shown in FIG. 1. The functionality of the regulator enable valve described in the 35<sup>th</sup> and 54<sup>th</sup> paragraph of the original specification. The invention defined in claim 1 of the '616 patent or in any dependent claim of claim 1 of the '616 patent does not include the regulator enable valve. Therefore, Applicant believes that the invention defined by the amended claim 54 is not an obvious variation of the invention defined by claim 1 of the '616 patent.

Reexamination of the amended claim 54 is respectfully requested.

**Regarding claim 59 rejected under 35 U.S.C. §101**

Claim 59 is rejected under 35 U.S.C. §101 as claiming the same invention as that of claim 19 to prior U.S. Patent No. 6,820,616 (the '616 patent).

Claim 59 is amended to include "a control panel" and "a mode select switch," which is referred to as an element 201 shown in FIG. 2. The invention defined in claim 19 of the '616 patent

does not include the mode select switch, and therefore Applicant believes that the invention defined by the amended claim 59 is not anticipated by the invention defined by claim 19 of the '616 patent.

Reexamination of the amended claim 54 is respectfully requested.

#### **Regarding claim 72**

Claim 72 is newly added by this amendment. Claim 72 recites a regulator enable valve that is not presented in any claim of the '616 patent. Therefore Applicant believes that new claim 72 is not an obvious variation of any of claims of the '616 patent. Examination of claim 72 is respectfully requested.

#### **Regarding claim 76**

Claim 76 is newly added by this amendment. Claim 76 recites steps of selecting a mode among a high leak mode, a low leak mode, a G-suit leak mode, and a mask mode. Claim 76 also recites steps of turning on or off a first or a second flow valve depending on the mode. None of the claims of the '616 patent recites the feature presented in the new claim 76. Examination of claim 76 is respectfully requested.

#### **Conclusion**

In view of the above, all claims submitted are allowable and this application is believed to be in condition to be passed to issue. Reconsideration of the rejections is requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

No fee is incurred by the filing of this amendment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. E. Bushnell", is written over a horizontal line.

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